

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)	Docket No. 80050US02 (KDK)
)	
STUART, Richard Kingsley)	Confirmation No.: 7693
)	
Serial No.: 10/706,522)	Group Art Unit No. 1714
)	
Filed: November 12, 2003)	Examiner: SZEKELY, Peter A.
)	
MODIFIED ASPHALT COMPOSITIONS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER AN ALLOWED APPLICATION

On behalf of Applicants, the undersigned, as one of the attorneys of record in the above-referenced application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of U.S. Serial No. 10/706,454, as presently shortened by any terminal disclaimer. The undersigned further represents that Applicants agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Applicants do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, as presently shortened by any terminal disclaimer, in the

event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please deduct the amount of \$130.00 from Deposit Account 19-0522 for the Terminal Disclaimer fee. The Commissioner is further authorized to charge any other fees associated with this communication or credit any overpayment to said Deposit Account No. 19-0522.

Respectfully submitted

HOVEY WILLIAMS LLP

Dated: 11/2/06

By


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